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State of Arizona INITIATIVE AND REFERENDUM PUBLICITY PAMPHLET 1934

Containing a Copy of the

PROPOSED AMENDMENTS TO THE CONSTITUTION

Proposed by Initiative Petition of the People

INITIATIVE MEASURES

Proposed by Initiative Petition of the People

To be Submitted to the Qualified Electors of the State of Arizona
for Their Approval or Rejection at the

REGULAR GENERAL ELECTION, NOVEMBER 6th, 1934

Together with the Arguments filed, favoring and opposing certain
of said measures.



Compiled and Issued By

JAMES H. KERBY, Secretary of State

(Publication authorized under Paragraph 1746, Chapter 34, Article
1, Revised Code of Arizona, 1928)

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 6th, 1934

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 3rd, 1934, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928.

JAMES H. KERBY, Secretary of State.

(On Official Ballot Nos. 100-101)

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION OF THE STATE
OF ARIZONA

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA

AMENDING SECTION 2, ARTICLE IX OF THE CONSTITUTION OF THE STATE OF ARIZONA, SO AS TO EXEMPT FROM TAXATION (EXCEPT FOR TAX LEVIES EXCLUSIVELY FOR SCHOOL PURPOSES) THE PROPERTY, INCLUDING THE INTEREST OF BOTH HUSBAND AND WIFE IN COMMUNITY PROPERTY, OF EVERY PERSON, ALSO ANY WIDOW CAUSED BY DEATH OR LEGAL SEPARATION AND ANY MINOR ORPHAN CHILD, HONORABLY DISCHARGED SOLDIER, SAILOR, UNITED STATES MARINE, MEMBER OF REVENUE AND MARINE SERVICE AND ARMY NURSE, RESIDENT AND QUALIFIED ELECTOR OF THIS STATE, IN THE AMOUNT OF TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS AND EXEMPTING FROM TAXATION, SALES TAX OR LICENSE UPON THE SALE, RESALE, PURCHASE OR DISTRIBUTION OF FARM PRODUCTS PRODUCED IN ARIZONA AND CERTAIN NECESSITIES OF LIFE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. That Section 2, Article IX of the Constitution of the State of Arizona, shall be, and the same is hereby amended to read as follows:

ARTICLE IX.

SECTION 2. There shall be exempt from taxation all Federal, State, County and Municipal property. Property of educational, charitable and religious associations or institutions, not used or held for profit may be exempt from taxation by law. Public debt, as evidenced by the bonds of Arizona, its counties, municipalities or other subdivisions, shall also be exempt from taxation.

There shall be further exempt from taxation (except for tax levies exclusively for school purposes) the property, including the interest of both husband and wife in community property, of every person, of any widow, caused by death or legal separation, and any minor orphan child, honorably discharged soldier, sailor, United States marine, member of revenue and marine service and army nurse, resident and qualified elector of this State, in the amount of Twenty-five hundred (2,500.00) Dollars. Husband and wife together shall not be entitled to claim a property tax exemption in excess of Twenty-five Hundred dollars (\$2,500.00). There shall also be further exempt from taxation and from any sales tax or license upon the sale, resale, purchase, distribution, transfer or transportation thereof, farm products of the soil produced in Arizona, also fruit, fresh meat, poultry, butter, eggs, milk, flour, bread, sugar, tea, and coffee. All property in the State not exempt under the laws of the United States or under this Constitution, or exempt by law under the provisions of this Section shall be subject to taxation to be ascertained as provided by law.

This section shall be self-executing, except that to entitle such resident to the exemption herein provided he shall between the first day of January and the fifteenth day of April of each year file with the County and City Assessor of the County and City where such property is situate an affidavit showing the facts entitling him to such exemption. The County and City Assessor shall furnish to the person the form of such affidavit, take his oath thereto when requested, all without fees.

The following is the form and number in which the question will be printed on the Official Ballot.

PROPOSED AMENDMENT TO THE CONSTITUTION PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

"HOMESTEAD TAX EXEMPTION OF \$2,500.00 TO EVERY PERSON, AND REPEAL OF SALES TAX ON ALL ARIZONA FARM PRODUCTS AND FOODSTUFFS."

AMENDING SECTION 2, ARTICLE IX OF THE CONSTITUTION OF THE STATE OF ARIZONA, SO AS TO EXEMPT FROM TAXATION (EXCEPT FOR TAX LEVIES EXCLUSIVELY FOR SCHOOL PURPOSES) THE PROPERTY, INCLUDING THE INTEREST OF BOTH HUSBAND AND WIFE IN COMMUNITY PROPERTY, OF EVERY PERSON, ALSO ANY WIDOW CAUSED BY DEATH OR LEGAL SEPARATION AND ANY MINOR ORPHAN CHILD, HONORABLY DISCHARGED SOLDIER, SAILOR, UNITED STATES MARINE, MEMBER OF REVENUE AND MARINE SERVICE AND ARMY NURSE, RESIDENT AND QUALIFIED ELECTOR OF THIS STATE, IN THE AMOUNT OF TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS AND EXEMPTING FROM TAXATION, SALES TAX OR LICENSE UPON THE SALE, RESALE, PURCHASE OR DISTRIBUTION OF FARM PRODUCTS PRODUCED IN ARIZONA AND CERTAIN NECESSITIES OF LIFE.

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes ☐

Not on Record

101 No ☐

" " "

ARGUMENT

(Negative)

PROPOSED AMENDMENT TO THE CONSTITUTION PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

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ARMY NURSE, RESIDENT AND QUALIFIED ELECTOR OF THIS STATE, IN THE AMOUNT OF TWENTY-FIVE HUNDRED (\$2,500.00) DOLLARS AND EXEMPTING FROM TAXATION, SALES TAX OR LICENSE UPON THE SALE, RESALE, PURCHASE OR DISTRIBUTION OF FARM PRODUCTS PRODUCED IN ARIZONA AND CERTAIN NECESSITIES OF LIFE.

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes.

☐

101 No.

☐

ARGUMENT AGAINST INITIATIVE PETITION PROPOSING AN AMENDMENT TO SECTION 2 OF ARTICLE IX OF THE CONSTITUTION.

If this constitutional amendment is adopted, more than 20% of all taxable property, both real and personal, will be exempt from all state, county, city and town taxes in Arizona, except school taxes. This exemption will apply to the rich, who do not need it, as well as to the widows, ex-service men and others already now exempt.

All ex-service men, widows and nurses who are now exempted to the amount of \$2,000.00, will be deprived of this exemption by being required to pay school taxes, which are approximately sixty per cent of the total tax bill.

The State of Arizona, now in financial distress, will become hopelessly insolvent. Maricopa County and all other agricultural counties having no large corporate taxpayers will be ruined.

This is not a measure to foster and protect the owning of small homes or for the relief of the small home owner. It exempts the property of every class and its immediate effect will be to benefit the owners of automobiles who pay no other taxes and the speculator who holds vacant property.

Exemption from taxation of \$2,500.00 of the property of each taxpayer will bring disaster to every city in Arizona, excepting those three of four towns, which contain mines or smelters. Phoenix,

Tucson, Prescott, Florence, Mesa, Tempe, Flagstaff, Holbrook and Winslow will no longer be able to pay their expenses and maintain their city government. There will be no future improvements. There can be no growth or progress; present improvements and facilities cannot be maintained. The adoption of this amendment will spell disaster to Arizona and to every subdivision of this State and its government.

VOTE NO!

W. J. Righetti, 910 N. 8th Street.

Morris Goldwater, Prescott, Arizona.

Leonard M. Cowley, 1118 West Latham, Phoenix, Ariz.

G. H. Coffin, 1830 Alvarado, Phoenix.

Franklin McCluskey, 2602 E. Culver St., Phoenix.

O. H. Clark, 102 W. Almeria, Phoenix.

C. B. McEwen, R. 4, Box 514, Phoenix.

Jules L. Vermeersch, 20-30 West Madison St.

W. A. Clark, 733 West McDowell St.

Geo. H. Lutgerding, 101 E. C. C. Drive, Phoenix.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 6th, 1934

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 5th, 1934, and printed in pursuance of Paragraph 1746, Chapter 34, Article 1, Revised Code of Arizona, 1928.

JAMES H. KERBY, Secretary of State.

(On Official Ballot Nos. 102-103)

INITIATIVE PETITION

AMENDMENT TO THE CONSTITUTION OF THE STATE
OF ARIZONA

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:
AN ACT

Amending the Constitution of the State of Arizona by adding to Article IX thereof three additional sections as follows:

Section 12, providing for the imposition of a license tax upon the business of mining copper;

Section 13, providing for the uniform assessment for taxation of the property of public service corporations engaged in the production, sale, or distribution of gas, water or electricity;

Section 14, providing for the uniform administration of the provisions of Sections 12 and 13.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That Article IX of the Constitution of the State of Arizona be amended by adding thereto three additional sections, numbered Section 12, Section 13, and Section 14, to read as follows:

"Section 12: Every person engaged in the mining of copper within the State of Arizona, as owner, lessee, trustee, possessor, receiver, or in any other proprietary capacity shall, in addition to all other taxes or excises imposed by law, pay to the State Treasurer, for the use of the State of Arizona, a license tax as follows:

"A tax of one-half cent per pound on all copper produced from ore mined or extracted by open pit or surface operation;

"A tax of one-half cent per pound on all copper produced from ore mined or extracted by underground operation where the average grade or copper content of such ore exceeds two percentum, and one-quarter cent per pound where the average grade or copper content of such ore shall equal two percentum or less.

"Every person taxable under the foregoing provisions shall quarterly, on the first day of January, April, July, and October of each year, make a return to the State Tax Commission, on forms prepared by the Commission, showing the total tonnage of ore mined or produced for the preceeding quarter, the average grade or copper content of such ore, the number of pounds of copper produced, and such other information as shall be required by the Commission, and shall on said dates pay to the State Treasurer the tax for the preceding quarter."

"Section 13: The tangible property of public service corporations engaged in the production, sale, or distribution of gas, water, or electricity, shall unless exempted from taxation by law, be assessed for purposes of taxation upon the valuations fixed by the Corporation Commission of Arizona for rate-making purposes.

"The Corporation Commission shall on or before May 1st of each year, transmit to the State Tax Commission a statement of the tangible property of each such public service corporation operating within the State, and the valuation of such property fixed by the Corporation Commission for rate-making purposes."

"Section 14: The State Tax Commission of Arizona, as it now exists, and is heretofore created by Chapter 23, Laws of the First Legislature of Arizona, Regular Session, is hereby created and declared a constitutional commission and office."

Such Commission shall have charge of the administration of Sections 12 and 13 of this Article, with full power to prescribe and promulgate rules, regulations, forms and penalties for its enforcement.

Any license tax imposed by Section 12 shall become delinquent on the fifth day after it shall become due and shall bear interest at the rate of ten per cent per annum after delinquency; it shall be a lien upon all property in this State owned by the taxpayer upon whom it is imposed.

The Commission, its attorneys, auditors and agents, shall at all times have access to the books, records, and returns of any taxpayer under Section 12 of this Article, relating to the mining or production of copper and copper ores, and shall have full power to compel obedience to the provisions of this Section, by attachment or other process.

The Commission shall have power to appoint and pay auditors, accountants, agents and attorneys necessary to the enforcement and collection of the license taxes imposed by Section 12 hereof, and to the carrying out of any other constitutional or statutory duty imposed upon it, and may bring and defend actions at law or in equity requisite to the proper discharge of its duties.

The license taxes and interest collected under Section 12 of this Article shall be used in defraying deficiencies and outstanding obligations of the state until the same have been paid; therefore they shall be deposited to the credit of the general fund of the State for the uses of such fund.

The term "person," as used in Sections 12, 13 and 14 of Article IX, shall mean and include any individual, firm, copartnership, company, corporation, association, joint stock company, common law trust, business trust, syndicate, or other concern by whatsoever name, or however organized, found or created.

Sections 12, 13 and 14 of Article IX are declared to be self-executing, and are intended to be carried out by the State Tax Commission, without legislative intervention which Commission is empowered to impose and promulgate all necessary rules and regulations in the premises, which rules and regulations imposed shall have the effect of law.

The following is the form and number in which the question will be printed on the Official Ballot.

**PROPOSED AMENDMENT TO THE CONSTITUTION
PROPOSED BY INITIATIVE PETITION OF THE PEOPLE**

**"PROVIDING FOR PRODUCTION TAX ON MINED COPPER; FOR
VALUATION OF GAS, LIGHT AND WATER UTILITIES; AND FOR
A CONSTITUTIONAL TAX COMMISSION."**

AN ACT

Amending the Constitution of the State of Arizona by adding to Article IX thereof three additional sections as follows:

Section 12, providing for the imposition of a license tax upon the business of mining copper;

Section 13, providing for the uniform assessment for taxation of the property of public service corporations engaged in the production, sale, or distribution of gas, water or electricity;

Section 14, providing for the uniform administration of the provisions of Sections 12 and 13.

If you favor the above law, vote YES; if opposed, vote NO.

102 Yes. ☐

Not voted on.

103 No. ☐

" " "

ARGUMENT

(Affirmative)

PROPOSED AMENDMENT TO THE CONSTITUTION PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

"PROVIDING FOR PRODUCTION TAX ON MINED COPPER; FOR VALUATION OF GAS, LIGHT AND WATER UTILITIES; AND FOR A CONSTITUTIONAL TAX COMMISSION."

AN ACT

Amending the Constitution of the State of Arizona by adding to Article IX thereof three additional sections as follows:

Section 12, providing for the imposition of a license tax upon the business of mining copper;

Section 13, providing for the uniform assessment for taxation of the property of public service corporations engaged in the production, sale, or distribution of gas, water or electricity;

Section 14, providing for the uniform administration of the provisions of Sections 12 and 13.

If you favor the above law, vote YES; if opposed, vote NO.

102 Yes. ☐

103 No. ☐

SEVERANCE TAX ON COPPER MINES; ASSESSED VALUATION ON GAS, LIGHT AND WATER COMPANIES; AND PROVIDING FOR CONSTITUTIONAL COMMISSION.

ARGUMENT IN SUPPORT OF

TAX ON COPPER MINING: When the natural resources of a State are depleted the State should receive some of the benefits. Copper is the greatest natural resource of Arizona, yet the mines have in ten years, from 1922 to 1932 taken 6,350,000,000 pounds of copper out of Arizona which copper can never be replaced, and said mines have paid no special tax for the privilege of depleting this natural resource. Seventeen states have a tax on the privilege of depleting natural resources.

The State Tax Commission has been forced by court decisions to disregard probable and prospective ore bodies in valuing a mine. The only ore bodies that may be taken into consideration in valuing a mining property are those ore bodies which have been actually proved.

The proposed amendment will place a special tax on the privilege of depleting the copper resources of Arizona, and thereby bring additional revenue to the State, and force the mines to pay somewhat near their just proportion of the expenses of government.

TAX VALUATION OF GAS, LIGHT AND WATER COMPANIES: Gas, light and water companies have for years insisted on two valuations for the same purpose—one for the purpose of being able to charge a high rate for its product—the other for the purpose of paying a low tax. These utility companies have been able to sustain this dual valuation in court. The proposed amendment will force said companies to pay taxes on the same valuation they use for charging rates.

PROVIDING FOR CONSTITUTIONAL COMMISSION: The State Tax Commission is the only elective state office which is not a constitutional office, having been created by act of the legislature. The office of the Tax Commission should be a constitutional office so that the legislature might not capriciously abolish the office, thereby throwing the tax system of the State into a turmoil.

(Signed) THAD. M. MOORE

(Signed) FRANK LUKE

ARGUMENT

(Negative)

PROPOSED AMENDMENT TO THE CONSTITUTION PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

"PROVIDING FOR PRODUCTION TAX ON MINED COPPER; FOR VALUATION OF GAS, LIGHT AND WATER UTILITIES; AND FOR A CONSTITUTIONAL TAX COMMISSION."

AN ACT

Amending the Constitution of the State of Arizona by adding to Article IX thereof three additional sections as follows:

Section 12, providing for the imposition of a license tax upon the business of mining copper;

Section 13, providing for the uniform assessment for taxation of the property of public service corporations engaged in the production, sale, or distribution of gas, water or electricity;

Section 14, providing for the uniform administration of the provisions of Sections 12 and 13.

ARGUMENT AGAINST INITIATIVE PETITION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA

This amendment, sponsored by Messrs. Frank Luke and Thad Moore, two members of the State Tax Commission, provides for the addition to Article IX of the Constitution, of three sections. The first levies a tax on each pound of blister copper produced.

Just why an additional tax should be placed upon copper, when most of the copper mines are shut down and a few are making a tremendous struggle to resume operations, is not clear.

The next proposed section provides that Gas, Water, and Electric Corporations shall be assessed upon a valuation equal to the valuation fixed by the Corporation Commission for rate-making purposes.

The State Tax Commission under present laws has the absolute right to value electric, gas and water plants at full cash value, so why burden the Constitution with this unnecessary provision?

The next section provides that the State Tax Commission, of which the sponsors of this measure are majority members for the next four (4) years, shall be a Constitutional body; authorizes the Commission to appoint and PAY auditors, accountants, agents and

attorneys NECESSARY TO CARRY OUT ANY DUTY IMPOSED UPON THE COMMISSION; provides that the Amendments are self-executing and shall be carried out by the State Tax Commission without ANY CONTROL OF THE LEGISLATURE; provides that the Commission is empowered to make all necessary rules and regulations WHICH RULES AND REGULATIONS SHALL HAVE THE EFFECT OF LAW.

In other words, the public treasury is to be wide open for any expenditure which the Commission desires to make for

1. Tax Matters.
2. Administering the Liquor Laws.
3. Administering the Sales Tax Act.
4. Administering the Luxury Tax Act.

and the Legislature can not curb any of these expenditures.

There are too many Commissions in the State of Arizona at the present time, yet now comes this startling proposition to make the Tax Commission a CONSTITUTIONAL body with powers beyond the Governor and beyond the Legislature.

Whatever the views of the voters may be as to taxing copper or as to taxing utilities, they should not vote for a proposition which will make the State Tax Commission all-powerful in the spending of State money, and which will surrender to the Commission the making of laws affecting vital interests of the people and place the Commission beyond the control of the People and the Legislature.

VOTE NO!

Samuel S. Wallace, Mesa, Arizona.

W. S. Powers, 2445 E. Culver, Phoenix, Arizona.

Walter R. Strong, R. D. No. 5, Phoenix, Arizona.

E. D. Tway, Mesa, Arizona.

Fred C. Weeks, Mesa, Arizona.

Oscar Roberts, 2004 W. Madison, Phoenix, Arizona.

R. E. Evans, Phoenix, Arizona.

R. K. Pendergast, Tolleson, Arizona.

Victor Steinegger, 1634 Palmcroft Dr., Phoenix, Arizona.

G. W. Brown, 733 W. Moreland, Phoenix, Arizona.

E. Ray Cowden, Cashion, Arizona.

W. R. Curry, Tempe, Arizona.

Chas. Woolf, Tempe, Arizona.

E. T. Hazelett, Phoenix, Arizona.

H. C. Cantrell, Tempe, Arizona.

A. P. Martin, Tucson, Arizona.

E. W. Hudson, Tempe, Arizona.

Geo. L. Freestone, Gilbert, Arizona.

H. M. Welborn, Glendale, Arizona.

J. J. O'Dowd, 46 N. Church St., Tucson, Arizona.

Meade Clyne, 110 So. Scott Street, Tucson, Arizona.

Monte Mansfield, 1944 E. 3rd Street, Tucson, Arizona.

John G. Hardwicke, 842 E. 9th, Tucson, Arizona.

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 6th, 1934

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, April 30th, 1934, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928.

JAMES H. KERBY, Secretary of State.

(On Official Ballot Nos. 300-301)

INITIATIVE MEASURE

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

AN ACT

TO PROVIDE THAT NO MEMBER OF THE LEGISLATURE OR THEIR RELATIVES SHALL BE APPOINTED, EMPLOYED OR BE PAID ANY COMPENSATION BY ANY STATE OFFICE, BOARD, COMMISSION, DEPARTMENT OR STATE AGENCY DURING THE FULL TERM FOR WHICH SAID MEMBER OF THE LEGISLATURE SHALL HAVE BEEN ELECTED; TO PROVIDE A TRUE AND CORRECT COPY OF THE LEGISLATIVE JOURNALS BE MADE AND FILED DAILY; TO PROVIDE THAT AN AYE AND NAY ROLL CALL VOTE BE ATTACHED TO THE FINAL PASSAGE OF ALL MEASURES; TO PROVIDE THAT EXPENSES INCURRED INCIDENT TO PRINTING SESSION LAWS, JOURNALS, ELECTION LAWS, INITIATIVE AND REFERENDUM PUBLICITY PAMPHLETS AND FOR THE PAYMENT OF ANY INDEBTEDNESS AGAINST THE STATE AS EVIDENCED BY A CERTIFICATE OF INDEBTEDNESS SHALL BE PAID OUT OF THE GENERAL FUND OF THE STATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. It shall be unlawful for any member of the Legislature or any person related to any member of the Legislature by affinity or consanguinity within the third degree to be appointed, employed or to be paid any compensation by any state office, board, commission, department or state agency during the full term for which said member of the Legislature shall have been elected

Section 2. A true and correct copy of the minutes of all proceedings of the House of Representatives and Senate shall be made daily, signed by the Speaker of the House and President of the Senate, a copy of which shall be delivered daily to each member of the Legislature and two copies filed with the Secretary of State.

Section 3. Any member of the Legislature may demand a roll call vote on any measure being considered by the Committee of the Whole. The final passage of all measures by the Legislature shall have attached thereto a roll call aye and nay vote of each member present

Section 4. The necessary expenses incident to the printing of the Session Laws, Journals, Election Laws, Initiative and Referendum Publicity Pamphlets, and for the payment of any indebtedness against the State, as evidenced by any Certificate of Indebtedness, shall be paid out of the General Fund of the State. The State Auditor is hereby directed to draw warrants for claims against said General Fund and the State Treasurer is hereby directed to pay the same. This section shall be self-executing

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

„TO PREVENT MEMBERS OF THE LEGISLATURE OR THEIR RELATIVES DURING THE TERM FOR WHICH THEY ARE ELECTED TO BE APPOINTED BY ANY STATE OFFICE, BOARD OR STATE AGENCY; TO PROVIDE A TRUE AND CORRECT COPY OF LEGISLATIVE JOURNALS BE MADE AND FILED DAILY WITH THE SECRETARY OF STATE; JUDGMENTS AND CERTIFICATES OF INDEBTEDNESS AGAINST STATE BE PAID OUT OF THE STATE GENERAL FUND.”

AN ACT

TO PROVIDE THAT NO MEMBER OF THE LEGISLATURE OR THEIR RELATIVES SHALL BE APPOINTED, EMPLOYED OR BE PAID ANY COMPENSATION BY ANY STATE OFFICE, BOARD, COMMISSION, DEPARTMENT OR STATE AGENCY DURING THE FULL TERM FOR WHICH SAID MEMBER OF THE LEGISLATURE SHALL HAVE BEEN ELECTED; TO PROVIDE A TRUE AND CORRECT COPY OF THE LEGISLATIVE JOURNALS BE MADE AND FILED DAILY; TO PROVIDE THAT AN AYE AND NAY ROLL CALL VOTE BE ATTACHED TO THE FINAL PASSAGE OF ALL MEASURES; TO PROVIDE THAT EXPENSES INCURRED INCIDENT TO

PRINTING SESSION LAWS, JOURNALS, ELECTION LAWS, INITIATIVE AND REFERENDUM PUBLICITY PAMPHLETS AND FOR THE PAYMENT OF ANY INDEBTEDNESS AGAINST THE STATE AS EVIDENCED BY A CERTIFICATE OF INDEBTEDNESS SHALL BE PAID OUT OF THE GENERAL FUND OF THE STATE.

If you favor the above law, vote YES; if opposed, vote NO.

300 Yes.

☐

22,225

Referred

301 No.

☐

26,960

To be submitted to the qualified electors of the State of Arizona
for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON NOVEMBER 6th, 1934

Proposed by Initiative Petition of the People and filed in the office of the Secretary of State, July 3rd, 1934, and printed in pursuance of Paragraph 1746, Chapter 34, Article I, Revised Code of Arizona, 1928.

JAMES H. KERBY, Secretary of State.

(On Official Ballot Nos. 302-303)

INITIATIVE MEASURE

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

AN ACT

TO CREATE A BOARD OF NATUROPATHIC EXAMINERS; TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF SAID BOARD; TO FIX THEIR TERM OF OFFICE AND THEIR COMPENSATION; DEFINING NATUROPATHY; TO REGULATE THE PRACTICE AND LICENSING OF NATUROPATHIC PHYSICIANS; AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT.
BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

SECTION 1. BOARD OF NATUROPATHIC EXAMINERS; ORGANIZATION; COMPENSATION; POWERS.

There is hereby created a Board of Examiners of Naturopathic Physicians. Said Board shall consist of five (5) members to be appointed by the Governor within thirty (30) days after the passage of this Act. The term of office of the members of the Board first appointed by the Governor shall be two (2) members for a term of one (1) year from the date of appointment, two (2) members for the terms of two (2) years from the date of appointment, and one (1) member for the term of three (3) years from the date of appointment, and all subsequent appointments shall be for a term of three (3) years from the date of appointment except that members appointed to fill vacancies by death, resignation or removal shall serve during the unexpired term of their predecessors. Each member of the Board shall be a citizen of the State of Arizona and a

graduate of a regularly chartered school or college of Naturopathy, and have practiced Naturopathy in the State of Arizona for at least three (3) years immediately preceeding the date of appointment.

Within thirty (30) days after appointment, the Board shall organize and elect from its membership a president, a vice-president and a secretary, and annually thereafter elect from its membership a president, a vice-president and secretary. The Board shall fix the salary of the Secretary in the sum not to exceed One Thousand (\$1,000.00) dollars per annum, and before entering upon the duties of his office the secretary shall give bond to the State of Arizona in the sum of Two Thousand (\$2,000.00) dollars.

The Board may adopt such rules and regulations as are necessary for the administration of this Act, and may prescribe the duties of the Secretary. The Board may adopt a common seal and the adoption of said common seal is hereby authorized.

The compensation of the members of the Board, other than the Secretary, shall not exceed Five (\$5.00) dollars per day for each day necessarily engaged in conducting examinations, or necessarily engaged in meetings, together with their traveling expenses incident thereto. Claims against the State presented hereunder, shall be paid as other claims against the State out of the fund hereinafter authorized. In no event shall the expenditures of the Board exceed their receipts.

SECTION 2. SPECIAL FUND; REVERSION OF EXCESS:

All monies received by the Board from any source whatever shall be deposited with the State treasurer within thirty (30) days after the receipt thereof, and the State Treasurer shall transfer ten per cent (10%) of all such monies to the credit of the General Fund of the State of Arizona, and the remaining ninety (90%) per cent shall be credited by the State Treasurer to a fund to be known as the Naturopathic Board Fund, upon which the State Auditor shall draw his or her warrant in due legal form, after having been presented with a claim or voucher, properly signed and approved by the President and Secretary of the Board and bearing the imprint of the Seal of the Board.

The Board shall have the power to expend such monies as may be necessary to meet the actual necessary expenses of the Board, their compensation, salary of the Secretary, office expenses, cost of the premium on the bond of the Secretary, clerk and stenographic hire, and all expenses incidental thereto; provided, however, that all such expenditures of the Board shall not exceed at any time

the amount to the credit of the Naturopathic Board Fund with the Treasurer of the State of Arizona.

SECTION 3. REQUIREMENTS FOR CERTIFICATE:

To procure a certificate to practice Naturopathy in the State of Arizona, the applicant shall file with said Board at least fifteen (15) days prior to the date of examination, satisfactory testimonials of good moral character, a photostatic copy of a diploma issued him or her by an approved and regularly chartered school or college of Naturopathy, a three (3) by five (5) photograph of the applicant, and satisfactory evidence that he or she has completed a course of Naturopathy and has received adequate and proper training and instructions in an approved school or college of Naturopathy in the following subjects:

ANATOMY, HISTOLOGY, ELEMENTARY CHEMISTRY AND TOXICOLOGY, PHYSIOLOGY, BACTERIOLOGY including EUGENICS, HYGEINE and SANITATION, PATHOLOGY, PHYSIOTHERAPY, ELECTROTHERAPY and HELIOTHERAPY MECHANOTHERAPY AND MASSAGE THEORY, PHILOSOPHY and PRACTICE OF NATUROPATHY, HYDROTHERAPY, DIETETICS and FOOD CHEMISTRY, BIOCHEMISTRY, LABORATORY and URINALYSIS DIAGNOSIS.

In the course of study herein outlined the hours required shall be four thousand (4,000) sixty (60) minute hours by actual work in the classroom, laboratory, clinic or hospital.

Said application shall be verified by oath of the applicant. The Board may make or cause to be made an investigation of the truth of the matter contained in said application and of the genuineness of the diploma so presented and may require additional proof. Said application shall be accompanied by a fee in the sum of twenty-five (\$25.00) dollars.

SECTION 4. TIME AND PLACE FOR EXAMINATION; GRADE REQUIRED:

The Board of Examiners shall hold an examination twice annually, on the first Tuesday following the first Monday of April and October and such other times and places as may be found necessary for the performance of their duties. The examination shall be practical in character and designed to test the fitness of the applicant to practice Naturopathy and shall be in writing and shall cover all subjects. Each applicant upon entering the examination shall be assigned a number and the identity of such person shall not be disclosed to the examiners or other person grading the

examination papers. Each applicant shall be notified within thirty (30) days after taking such examination by the Secretary of the State Board of Naturopathic Examiners and the grades he has made in each subject of said examination.

All examination papers and records shall be kept on file for a period of three (3) years from the date of such examination.

Where an applicant has taken the examination and has; either (a) failed to obtain an average grade of seventy-five (75%) per cent in all said subjects, or (b) received a grade of less than sixty (60%) per cent in not more than two subjects, which, if he passed with said grade of sixty (60%) per cent would give him an average grade of seventy-five (75%) per cent he may by giving fifteen (15) days written Notice, take one (1) re-examination, without charge or fee, which re-examination shall be in all subjects if he applies therefor under provision (a) hereof or in those subjects in which he failed if he applies under provision (b) hereof, and upon taking such re-examination under provision (b) hereof and upon such re-examination failed to pass the subjects so taken and so required to be taken, he may, upon reasonable notice to the Board of Examiners accompanied by a fee of twenty-five (\$25.00) dollars take a second re-examination in those subjects in which he failed. In no case where an applicant who takes a re-examination be entitled to a refund of any money.

SECTION 5. NATUROPATHY DEFINED:

For the purpose of this act, Naturopathy is hereby declared to include physiotherapy, physical therapy, phytotherapy, biochemistry, instrumentation, and the use of antiseptics, and the science and art of applied therapeutics, and prophylactic hygiene and sanitation which enables the Naturopathic Physician to direct, advise, prescribe, dispense, or apply food, water, roots, herbs, plants, oils, light, heat, color, exercises, active and passive manipulation correcting vital tissue, organs or anatomical structure by manual, mechanical, electrical instruments, or appliances, or any and all natural agencies, that have been in use in the past, that are now in use, or that may be used in the future to assist nature to restore a physiological and psychological infunction for the purpose of restoring and maintaining a normal state of health, mentally and physically.

SECTION 6. CERTIFICATE OF LICENSE TO PRESENT PRACTITIONERS:

All Naturopathic Physicians previously examined and holding certificates of qualification issued by the Examining Board of the

American Naturopathic Association, Arizona District, Incorporated, and in good standing at the passage of this act shall be entitled to and shall receive a certificate designated as a Naturopathic Physicians License without further examination, providing he or she make application to the Board of Examiners within ninety (90) days after the effective date of this Act, such application shall be accompanied by a fee in the sum of twenty-five (\$25.00) dollars.

Any and all other Naturopathic Physicians who hold diplomas from regularly chartered schools or colleges of Naturopathy, and having practiced in the State of Arizona for a period of three (3) years immediately prior to the effective date of this Act shall be entitled to a Naturopathic Physicians License, without further examination, provided application be made within ninety-(90) days after the effective date of this Act, such application shall be accompanied by a fee in the sum of twenty-five (\$25.00) dollars.

SECTION 7. CERTIFICATE OF LICENSE TO BE REGISTERED:

No license issued hereunder grants to the holder thereof the right to practice thereunder until the same is recorded in the office of the County Recorder of the County or Counties of this State wherein such person desires to practice.

The County Recorder shall record all licenses presented to him for recordation in a book to be kept by him for that purpose and endorse upon the back thereof the fact and date of recordation.

Upon receipt from the Board of Examiners of any order affecting any license issued hereunder, said County Recorder shall record said order in such book and endorse in the margin of the page of said book where such license was recorded, the following:

"This license was (Revoked) by order of the Board of Examiners
(Suspended)

of Naturopathic Physicians on this..... day of.....

.....,"

Court decrees changing same must be recorded.

SECTION 8. ANNUAL REGISTRATION; FEES:

On or before the first day of January of each year, every person holding a Naturopathic Physicians License issued hereunder, shall apply to the Board of Examiners for a certificate of Annual Registration, and shall pay the Board an Annual Registration fee

in the sum of Ten (\$10.00) dollars. Such application shall be made on a blank furnished by the Board of Examiners.

Any expired license may be reinstated upon the application made to the Board of Examiners containing such matters as the Board may require upon the payment of the following fees:

(1) If made within one month after the date upon which such license so expires, a fee in the sum of Twenty (\$20.00) dollars.

(2) If made within two months after the date upon which such license so expired a fee in the sum of fifty (\$50.00) dollars.

(3) If made at any time after two months after the date upon which such license so expires a fee in the sum of One Hundred (\$100.00) dollars.

SECTION 9. NATUROPATHIC PHYSICIANS RIGHTS:

Naturopathic Physicians licensed under this Act shall have in the practice and conduct of their profession, all rights, powers and privileges of any and all other practicing physicians of any school or class or division in the treatment of any and all diseases, injuries, deformities, or other ailment, or other mental or physical conditions, and shall have all the rights and privileges to sign any and all certificates or papers and such reports shall be accepted by the proper officers or departments and shall have equal rights with other physicians in any and all institutions supported wholly or in part by public funds, and to disability compensation and shall have the right to report and certify births and deaths.

SECTION 10. EXCLUSIVE BOARD:

On and after the passage of this act, neither the Board of medical Examiners of this State, nor any other Board of authority, except the Board created by this Act shall grant any Naturopathic License or do any act relating to the practice or system or mode of Naturopathic treatment of the sick or afflicted, all power and authority over the practice of Naturopathy shall be vested exclusively in and be exercised by the State Board of Naturopathic Examiners hereby established pursuant to the provisions of this Act.

SECTION 11. TITLE OF LICENTIATES:

Naturopathic Licentiates under this Act, are hereby authorized to use any and all of the following terms: "Doctor of Naturopathy" or its abbreviation "N. D." or "Naturopath" or "Naturopathic Physician" or any other term or terms or abbreviations relative to any

special branch or branches of Naturopathy, but none of these terms or any combination of them, shall be so used as to convey the idea that the physician who uses it or them practice anything other than Naturopathy.

SECTION 12. NOT TO BE CONSTRUED TO OTHER PROFESSIONS:

Nothing in this act shall be construed to apply to any Medical Physician or Surgeon, to any Osteopath, to any Chiropractor, to any Christian Scientists, or any other person or persons who by religious or spiritual means, endeavors to prevent or cure disease or suffering in accordance to the tenets of any church; neither shall any thing in this act be construed to authorize licenciates under its provisions to practice Optometry, or any other system or method of treatment not herein authorized.

SECTION 13. ENFORCEMENT OF ACT. PROSECUTION:

Anyone practicing, attempting to practice or who claims to practice Naturopathy as herein defined without first procuring a certificate of license to do so from the State Board of Naturopathic Examiners shall be guilty of a misdemeanor, and punishable thereof.

It shall be the duty of the several County Attorneys in this State to prosecute all persons charged with the violation of any of the provisions of this Act

SECTION 14. CONSTITUTIONALITY; PARTIAL INVALIDITY:

If any section, subsection, sentence, clause or phrase of this Act is for any reason held to be unconstitutional such decision shall not effect the validity of the remaining portion of this Act. The People hereby declare that they would have passed this Act, and such section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 15. REPEAL OF ACTS IN CONFLICT:

All Acts or parts of Acts in conflict herewith are hereby repealed.

The following is the form and number in which the question will be printed on the Official Ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

"WITHOUT COST TO THE TAXPAYERS OF THE STATE
PROVIDING FOR THE EXAMINING AND LICENSING
OF NATUROPATHIC PHYSICIANS"

AN ACT

TO CREATE A BOARD OF NATUROPATHIC EXAMINERS; TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF SAID BOARD; TO FIX THEIR TERM OF OFFICE AND THEIR COMPENSATION; DEFINING NATUROPATHY; TO REGULATE THE PRACTICE AND LICENSING OF NATUROPATHIC PHYSICIANS; AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT.

If you favor the above law, vote YES; if opposed, vote NO.

302 Yes.

☐

18,229

Superior

303 No.

☐

31,936

ARGUMENT

(Affirmative)

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

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If you favor the above law, vote YES; if opposed, vote NO.

302 Yes.

☐

303 No.

☐

This measure is sponsored by the Arizona members of the American Naturopathic Association for two principal reasons:

First: It will close the last loop-hole in the State laws governing the various branches of the healing art, and prevent impostors and unqualified drugless practitioners from defrauding the public of thousands of dollars annually.

Second: It will accord legal recognition to the second oldest branch of the healing professions, Naturopathy. Graduates of accredited colleges of Naturopathy have had practically the same fundamental training as medical practitioners, and are properly known as Naturopathic or Drugless Physicians, because they specialize in the use of natural methods of healing instead of drugs and surgery.

In their treatment of disease, Naturopathic Physicians use all forms of electrical treatments; water, internally and externally applied; manipulation and adjustment of all the bones, joints, muscles and tissues of the body; simple herbs, plants, and concentrated foods; and they were the first to teach the importance of proper diet for the restoration and maintenance of normal health.

The Eleventh Legislature passed this measure by nearly a two-thirds majority, and at the same time passed the Basic Science bill. The Naturopathic law, however, was vetoed by the Governor because he objected to Drugless Physicians being permitted to practice gynecology and obstetrics, although they have been doing so for forty years. This objectionable feature, from the standpoint of the medical profession, has been eliminated in the present measure, thus overcoming their antagonism in that respect.

This measure is submitted to the people for approval because the Basic Science law was passed by less than one thousand votes, and if the Naturopathic law is to have equal standing with the former, it, too, must be approved by the people.

The enactment of this law will not add one cent to the burden of the cost of government because the practitioners concerned will furnish ample funds for its administration. Furthermore, Ten Per Cent of all fees collected, and the surplus remaining at the end of each fiscal year, will be turned over to the General Fund of the State for its use and benefit.

This is in marked contrast to other examining boards, which obtain large sums from each Legislature to pay their member's salaries and the board's expenses.

It is thought that if this measure is approved by the people of Arizona, that the conflict which has been going on between the medical profession and the drugless physicians for the past several years, will be definitely ended. Both have their field of usefulness and neither should be permitted to dictate to the other in matters in which the public health is concerned.

A sense of fair play and justice will dictate that the people vote their approval of this measure, which is similar to laws already passed by the Congress of the United States for the District of Columbia, and the states of Florida, Utah, Colorado, Washington, Oregon and others.

(Signed) C. J. WILKERSON

Dr. C. J. WILKERSON

29 South Scott Street, Tucson, Arizona

ARGUMENT

(Negative)

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE

"WITHOUT COST TO THE TAXPAYERS OF THE STATE
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OF NATUROPATHIC PHYSICIANS"

AN ACT

TO CREATE A BOARD OF NATUROPATHIC EXAMINERS; TO PROVIDE FOR THE APPOINTMENT OF THE MEMBERS OF SAID BOARD; TO FIX THEIR TERM OF OFFICE AND THEIR COMPENSATION; DEFINING NATUROPATHY; TO REGULATE THE PRACTICE AND LICENSING OF NATUROPATHIC PHYSICIANS; AND TO PROVIDE FOR THE ENFORCEMENT OF THIS ACT.

If you favor the above law, vote YES; if opposed, vote NO.

302 Yes. ☐

303 No. ☐

This measure is a subtle attempt on the part of the members of an alleged new school of healing, under the guise of obtaining equal legal recognition with practitioners of other schools, to evade the requirements which the Legislature and the people of our state have been impelled by experience to establish in order to safeguard the public health.

The measure has many vices, but the mention of only a few should suffice to demonstrate the folly of its enactment.

Section 10 of the measure expressly exempts practitioners of naturopathy from examination in the basic sciences, in spite of the fact that such examination is required to be passed satisfactorily by practitioners of all other schools of healing. This provision is a confession of weakness, for no qualified practitioner of the healing art, whether a member of the naturopathic or any other school, should object to demonstrating to the satisfaction of an impartial board his fitness to advise and administer in matters pertaining to human life and health.

Section 6 of the measure provides for the summary licensing of any person who has, for three years past in this state, held himself out as a practitioner of naturopathy, even though his character or qualifications have never been investigated or examined by any board or body whatever. This is special legislation at its worst, an attempt to establish the fitness and qualifications of a healing practitioner by legislative fiat.

Section 9 of the act provides that: "Naturopathic Physicians licensed under this Act shall have in the practice and conduct of their profession, all rights, powers and privileges of any and all other practicing physicians of any school or class or division in the treatment of any and all diseases, injuries, deformities, or other ailment, or other mental or physical conditions." This provision would permit the naturopathic physician to attempt to practice the healing arts and methods of any school whatever, regardless

of the fact that he is required by the terms of the measure to be qualified and examined only in Naturopathy. Thus, although he is required by the act to have no knowledge whatever of surgery or obstetrics in order to be licensed as a naturopath, this section ipso facto qualifies him as a surgeon or obstetrician.

This measure seriously affects the health and welfare of your neighbors, your children and yourself; it merits your earnest study and consideration—and it merits your unequivocal vote “NO” on election day.

(Signed) BERTHA CASE,
1493 East Roosevelt,
Phoenix, Arizona.

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(Notice: There are several immaterial wrong spellings in the text of these proposals which had to be repeated in the text of this Pamphlet in order to conform to the originals.)

Compiled and Issued by
JAMES H. KERBY
Secretary of State